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21  
22 **IN THE UNITED STATES DISTRICT COURT**  
23 **FOR THE DISTRICT OF ARIZONA**

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28 Mi Familia Vota, et al.,

Plaintiffs,

v.

Katie Hobbs, et al.,

Defendants.

Living United for Change in Arizona, et  
al.,

Plaintiffs,

v.

Katie Hobbs,

Defendant.

Case No: 2:22-cv-00509-SRB (Lead)  
Case No: 2:22-cv-00519-SRB (Consol.)  
Case No: 2:22-cv-01003-SRB (Consol.)  
Case No: 2:22-cv-01124-SRB (Consol.)  
Case No: 2:22-cv-01369-SRB (Consol.)

**MOTION TO INTERVENE AS  
DEFENDANT BY THE REPUBLICAN  
NATIONAL COMMITTEE**

1	Poder Latinx,	Plaintiffs,
2	v.	
3	Katie Hobbs,	
4		Defendant.
5	United States of America,	
6		Plaintiff,
7	v.	
8	State of Arizona, et al.,	
9		Defendants.
10	Democratic National Committee,	
11		Plaintiff,
12	v.	
13	Katie Hobbs, et al.,	
14		Defendants.

15        The RNC files this motion to clarify its status in the five consolidated cases. The  
16 RNC is an intervenor defendant in *DNC v. Hobbs*, No. 22-cv-1369. After this Court granted  
17 the RNC's motion to intervene, *see DNC* Doc. 18 in No. 22-cv-1369, the plaintiffs in *DNC*  
18 moved to consolidate their case with four already-consolidated cases, noting that further  
19 "consolidation will promote efficiency and convenience" because "[t]he cases challenge  
20 the same law, are filed against the same parties, and adjudication of the claims in each will  
21 require overlapping discovery and briefing," *see MFV* Doc. 90 at 2. This Court agreed and  
22 consolidated the *DNC* case with the other four consolidated cases. *MFV* Doc. 91. All told,  
23 the RNC became a party to the *DNC* case, and then the *DNC* case was consolidated with  
24 *Mi Familia Vota v. Hobbs*; *LUCHA v. Hobbs*; *Poder Latinx v. Hobbs*; and *United States v.*  
25 *Hobbs*.

26        Since then, the RNC has learned that some plaintiffs do not consider the RNC a  
27 party to the consolidated cases. Apparently, in their view, the RNC cannot file motions or  
28 responses, take discovery, or appeal in any case other than the *DNC* case. That situation

1 not only seems like a logistical nightmare, but also defeats the very reasons why the *DNC*  
 2 plaintiffs sought consolidation. It also complicates the RNC's plans to simply join the  
 3 State's forthcoming "consolidated Motion to Dismiss." *MFV* Doc. 100 at 3. Clarification  
 4 from this Court is needed.

5 To clarify their status, the RNC now moves to intervene in the four cases that are  
 6 consolidated with this one: *Mi Familia Vota*, No. 2:22-cv-00509; *LUCHA*, No. 2:22-cv-  
 7 00519; *Poder Latinx*, No. 2:22-cv-01003; and *United States*, No. 2:22-cv-01124. The RNC  
 8 has found itself in this situation before. In a 2020 election case in Wisconsin, a district  
 9 court granted the RNC's motion to intervene in one case, and then consolidated that case  
 10 with two others. The RNC then moved to intervene in the two consolidated cases "in an  
 11 effort to clarify their status in these two cases." *Lewis v. Knudson*, Doc. 63, No. 3:20-cv-  
 12 00284 (W.D. Wis., Mar. 31, 2020). The district court granted that motion. *Id.* As the court  
 13 explained elsewhere in those consolidated cases:

14 [T]his case is one of four closely overlapping lawsuits .... If anything,  
 15 *denying* intervention would at this point unnecessarily complicate an already  
 16 complicated set of cases by requiring the RNC[] to act as *amici* in this case  
 17 and as defendants in the other, three related cases. The Seventh Circuit has  
 18 observed that 'Rule 24(b) is just about economy in litigation.' Here, ....  
 19 intervention would serve the interests of judicial administration ....  
 20 *Swenson v. Bostelmann*, Doc. 38 at 5, No. 20-cv-00459 (W.D. Wis. June 23, 2020). That  
 21 analysis fits this case to a T.

22 The RNC satisfies the criteria for intervention, for reasons given in its memorandum  
 23 in *DNC* and its memoranda and reply in *Mi Familia Vota* and *LUCHA*. See *DNC* Doc. 10;  
 24 *MFV* Docs. 24 & 49; *LUCHA*, Docs. 23. While this Court previously denied the latter  
 25 motions, that denial was deliberately "without prejudice." *MFV* Doc. 57 at 6. This Court  
 26 acknowledged that things could change, especially if "the Democratic Party" decided to  
 27 sue and "try to participate in the instant lawsuit." Doc. 57 at 5 n.2.

28 Things indeed have changed. The Democratic Party did sue, and this Court granted  
 the RNC's motion to intervene in that case. Three more cases were filed, and five of the  
 six cases were consolidated, including the case where the RNC is already a party. The

1 RNC's intervention will no longer "inject 'partisan politics into an otherwise nonpartisan  
2 legal dispute,'" Doc. 57 at 5; both it and the Democratic Party are now in this case. And  
3 the RNC's intervention will no longer "'unnecessarily delay this time-sensitive  
4 proceeding,'" Doc. 57 at 5; it is *already* a party, and the number of total parties has since  
5 ballooned. As in Wisconsin, "*denying* intervention would at this point unnecessarily  
6 complicate an already complicated set of cases by requiring the RNC[] to act as *amici* in  
7 this case and as defendants in the other ... related cases." *Swenson*, Doc. 38 at 5, No. 20-  
8 cv-00459 (W.D. Wis.). That bizarre situation serves no purpose underlying the intervention  
9 rules.

10 For all these reasons, this Court should clarify the RNC's status by allowing it to  
11 intervene in the other consolidated cases. The Attorney General does not oppose this  
12 motion. The Secretary of State takes no position. The recorders for Yavapai County,  
13 Maricopa County, Graham County, Cochise County, Apache County, Yuma County, Santa  
14 Cruz County, and Pinal County take no position. The *MFV*, *LUCHA*, and *Poder Latinx*  
15 plaintiffs oppose. The RNC has not heard from the remaining parties.

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1 Respectfully submitted on June 2, 2022.

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By: /s/ James P. McGlone

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